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| TO | Examiner Theodore J. Criares USPTO - Art Unit 1617 | (703) 872-9306 | |

| | | | |
|------|---|----------------|----------------|
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|------|---|----------------|----------------|

PAGES (INCLUDING THIS COVER PAGE): 8
Application Serial No.10/051,320

RE

Message:

This Facsimile includes the following:

Transmittal Form (1 pg) and
Response to Notice of Non-Compliant Amendment (6 pgs)Bingham McCutchen LLP
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PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0851-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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| | | | |
|--|----------------------|------------------------|------------|
| TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i> | Application Number | 10/051,320 | |
| | Filing Date | 1/18/02 | |
| | First Named Inventor | H. Michael Shepard | |
| | Art Unit | 1617 | |
| | Examiner Name | Criares, Theodore J. | |
| Total Number of Pages in This Submission | | 7 | |
| | | Attorney Docket Number | NB 2019.00 |

| ENCLOSURES (check all that apply) | | |
|---|--|---|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Supplemental Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div style="text-align: center;">Response to Notice of Non-Compliant Amendment</div> |
| <div style="border: 1px solid black; width: 100px; float: left; margin-right: 10px;">Remarks</div> | | |
| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | | |
| Firm or Individual name | Bingham McCutchen LLP Antoinette F. Konski | |
| Signature | <i>Antoinette F. Konski</i> | |
| Date | December 7, 2004 | |

| CERTIFICATE OF TRANSMISSION | | | |
|--|----------------------|------|------------------|
| I hereby certify that this correspondence is being transmitted via facsimile on the date shown below to: Commissioner for Patents, Art Group Unit 1617, fax number (703) 872-9306 to Examiner Theodore J. Criares. | | | |
| Typed or printed name | Peggy Nichols | | |
| Signature | <i>Peggy Nichols</i> | Date | December 8, 2004 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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December 8, 2004By: Peggy Nichols

Peggy Nichols

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:

H. Michael SHEPARD, et al.

U.S. Appl. No.: 10/051,320

Filing Date: January 18, 2002

For: METHODS TO TREAT AUTOIMMUNE AND
INFLAMMATORY CONDITIONS

Confirmation No.: 8000

Examiner: Criares, T. J.

Art Unit: 1617

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450

Sir:

This paper is submitted in reply to the Notice of Non-Compliant Amendment issued December 1, 2004, by the U.S. Patent and Trademark Office in connection with the above-identified application. A response to this Action is due January 1, 2005. Accordingly, this reply is timely filed.

The Amendments begin on page 2 of this Reply.